

**Emily Taylor**

---

**From:** Emily Taylor <etaylor@watsonroach.com>  
**Sent:** Thursday, December 7, 2023 12:59 PM  
**To:** Hugh Eastwood; Thomas Garland  
**Cc:** Lisa May; alexis@tahincilaw.com; Maria Ashburn  
**Subject:** RE: Daigle Deposition

Hugh and Alexis:

Having been out of town I am a bit slammed today so please excuse bullet point format.

- We would like to avoid a discovery dispute if at all possible because the courts dislike those disputes and expect lawyers to first try and resolve.
- I remain unclear what “work-product of Daigle” you are wanting. Are you wanting Daigle’s work product information limited to the Sean Williams sexual assault files?
- The City did not hire Daigle to investigate the Dahl *Complaint* with respect to her retaliatory discharge or civil rights claims. More importantly the City has never expressed an intention to rely on the Daigle investigation to defend the lawsuit(s) against it. Had it done so, your entitlement to the work product might have purchase.
- Further, Daigle points out on page 2 of his audit: “... we were informed of ongoing litigation against JCPD...[but] it is important to note that our audit did not involve investigating the specific details of this litigation. ... Our audit was not influenced by [the litigation].”
- I have not communicated with Daigle and don’t intend to prior to his deposition. All communication for deposition dates were requested by the City Attorney who has a contract with Daigle expressly stating an attorney-client relationship exists.
- We have not disclosed or identified Daigle as an expert for the defendants and do not intend to do so. For this reason alone, I have no means to provide assurances Daigle will appear for a deposition and cannot even consider accepting a subpoena for him. I have no authority to do so.
- Daigle’s deposition fees will need to be addressed and paid by you not me.
- I have asked Sunny Sandos to have Daigle hold December 28<sup>th</sup> for his deposition.
- Finally, if you can specify what you are actually wanting, I would suggest we have a conference call after that is received. We are generally available tomorrow and will try to adapt to you schedule for the call.

Thank you,

Erick H. and Emily

**Emily C. Taylor**  
865-637-1700 (office)



Website

Bio

V-Card

Watson, Roach, Batson, Rowell & Lauderback, P.L.C.  
P. O. Box 131  
Knoxville, Tennessee 37901-0131

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**From:** Hugh Eastwood <[heastwood@eastwoodlawstl.com](mailto:heastwood@eastwoodlawstl.com)>

**Sent:** Wednesday, December 6, 2023 3:07 PM

**To:** Thomas Garland <[tgarland@milligancoleman.com](mailto:tgarland@milligancoleman.com)>

**Cc:** Lisa May <[lisa@hbm-lawfirm.com](mailto:lisa@hbm-lawfirm.com)>; alexis@tahincilaw.com; Emily Taylor <[etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)>; Maria Ashburn <[mashburn@watsonroach.com](mailto:mashburn@watsonroach.com)>

**Subject:** Re: Daigle Deposition

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Tom:

Sounds good. Thanks for the update. We believe that all parties benefit from resolving this issue.

Hugh

On Wed, Dec 6, 2023 at 2:00 PM Thomas Garland <[tgarland@milligancoleman.com](mailto:tgarland@milligancoleman.com)> wrote:

Hi Hugh,

Erick has been traveling today and is just now getting back into town, but he has an appointment that will take the rest of the day. How about if we respond to you tomorrow on the A/C privilege issue (and the accepting service issue)? Emily and I have been discussing the A/C privilege issue today, but we need to talk to Erick.

Thanks,

Tom

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**From:** Hugh Eastwood <[heastwood@eastwoodlawstl.com](mailto:heastwood@eastwoodlawstl.com)>

**Sent:** Wednesday, December 6, 2023 12:29 PM

**To:** Lisa May <[lisa@hbm-lawfirm.com](mailto:lisa@hbm-lawfirm.com)>

**Cc:** [alexis@tahincilaw.com](mailto:alexis@tahincilaw.com) <[alexis@tahincilaw.com](mailto:alexis@tahincilaw.com)>; Thomas Garland <[tgarland@milligancoleman.com](mailto:tgarland@milligancoleman.com)>; Emily Taylor ([etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)) <[etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)>; Maria Ashburn <[mashburn@watsonroach.com](mailto:mashburn@watsonroach.com)>

**Subject:** Re: Daigle Deposition

Erick,

We can take the Daigle depo by zoom on December 28th. We will circulate a zoom link beforehand.

Will you accept the attached subpoena for Mr. Daigle's depo and his file?

Before the deposition, we will need to resolve any objections to producing Mr. Daigle's file and to Plaintiff's Second RFP No. 1 and 5 on the basis of asserted A/C privilege. We have earlier exchanged correspondence seeking to resolve that objection.

We will file a motion to compel today and seek an expedited resolution if the City stands by its objection. Pls let us know.

Thanks,

Hugh and Alexis

On Wed, Dec 6, 2023 at 9:57 AM Lisa May <[lisa@hbm-lawfirm.com](mailto:lisa@hbm-lawfirm.com)> wrote:

Hugh and Alexis:

We have finally received available Daigle deposition dates via City Attorney Sunny Sandos.

I have distributed the available dates to defense counsel, Tom and Emily, and the only available date we can make work is December 28<sup>th</sup>.

Is that a workable date for you?

Erick H.

*Lisa*

Lisa May

Legal Assistant to Erick Herrin

**HERRIN, McPEAK & ASSOCIATES**

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515 E. Unaka Avenue

Johnson City, TN 37605-0629

P: 423.929.7113 | F: 423.929.7114

E: [lisa@hbm-lawfirm.com](mailto:lisa@hbm-lawfirm.com)



**HERRIN, McPEAK**

**& ASSOCIATES**

*Attorneys at Law*

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--  
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## Emily Taylor

---

**From:** Hugh Eastwood <heastwood@eastwoodlawstl.com>  
**Sent:** Thursday, December 7, 2023 3:13 PM  
**To:** Emily Taylor  
**Cc:** Thomas Garland; Lisa May; alexis@tahincilaw.com; Maria Ashburn  
**Subject:** Re: Daigle Deposition

Erick and Emily:

Thanks for the response.

We believe that once Johnson City chose to publish the Daigle Report, any privilege was waived as to its subject matter. See *Doe v. Hamilton Cnty. Bd. of Educ.*, No. 1:16-cv-373 at \*2 and \*6 (E.D. Tenn. Jan. 12, 2018).

We seek production responsive to Plaintiff's Second RFP No. 5. That includes:

1. all documents provided by JC to the Daigle Law Group
2. any draft reports made to JC by the Daigle Law Group
3. engagement communications and documents

As to 1, to the extent that Daigle was reviewing JCPD sex case files, then we already agreed to limit that which was provided to Daigle as to Williams victims.

We will arrange to have Mr. Daigle served if he will not accept service by email as we attempted to do in the past, and we will pay his fee.

We can be available at any time tomorrow for a conference call.

Thank you,

Hugh and Alexis

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Lisa May

Legal Assistant to Erick Herrin

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**HERRIN, McPEAK**

**& ASSOCIATES**

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## Emily Taylor

---

**From:** Hugh Eastwood <heastwood@eastwoodlawstl.com>  
**Sent:** Monday, December 11, 2023 12:44 PM  
**To:** Lisa May  
**Cc:** alexis@tahincilaw.com; Tom Garland; Emily Taylor; Maria Ashburn  
**Subject:** Re: Dahl v. Johnson City  
**Attachments:** dahl.subpoena.depo.daigle.pdf

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Dear Erick, Tom and Emily:

Thank you for the call this past Friday. We agree to accept the production of Daigle documents by the City discussed by Erick by way of compromise as Attorney's Eyes Only, and understand that you will not be producing Sunny Sandos's notes as she did not share their contents with Daigle.

As to the attached subpoena that we will be serving on Daigle this week, we continue to believe that Daigle's file is not subject to either attorney-client or work product privilege. While we do not agree with the City's position that the Daigle Report is a subsequent remedial measure, we believe that linking the Daigle Report to the filing of Dahl's Complaint means, combined with the public release of the report, waives both the attorney-client and work product privileges. Thus we suggest that we contact the Court either to discuss the merits of the issue before the Daigle deposition, or to notify the Court that we may be calling the Court during the depo if Daigle asserts the privilege and the City does not waive it.

As to Dahl's Depo, we plan to hold back Dahl depo pages 58-65, 203, 282-87, 290-99, and on Exhibit 37, Bates 1476. Those pages are all Dahl damages testimony, with the exception of 203 where Dahl references communications with her previous 1983 counsel. The exhibit page is Dahl's handwritten notes where she referred to communications with her previous counsel. Recall we couldn't read her handwriting. When we discovered the privileged material, we immediately moved on the record to claw it back and redact.

Pls let me know if you want me to prepare that today for Kristin and Danny. Rather than blackline, I'd suggest just omitting those pages.

Thank you,

Hugh and Alexis

On Fri, Dec 8, 2023 at 11:55 AM Lisa May <[lisa@hbm-lawfirm.com](mailto:lisa@hbm-lawfirm.com)> wrote:

Hugh and Alexis:

I think the work product issue with Daigle can be resolved. But I am meeting with Sunny Sandos first (at 2:30) to look at her file.

If needed, are you available for a late afternoon conference call – probably 3:30 or 4:00?

NEW SUBJECT: It is my understanding an agreement has been reached as to Peters and Sparks attorneys receiving the Dahl discovery. My further understanding is that Dahl's deposition is to be redacted as to her "damages." Can you send me the pages you want removed from her deposition so there is no confusion about that? Any other topic as to Dahl discovery other than Leah is dealing with the Wayne Taylor deposition?

Thanks,

Erick H.

*Lisa*

Lisa May

Legal Assistant to Erick Herrin

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## Emily Taylor

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**Sent:** Wednesday, December 13, 2023 1:50 PM  
**To:** Eric Daigle  
**Cc:** Sandos, Sunny; Alexis Tahinci; Lisa May; Tom Garland; Emily Taylor; rebecca@courtrepreneur.net  
**Subject:** Re: Deposition subpoena

Eric,

Thanks for your response, and for accepting service.

Yes, counsel in the Dahl case have been diligently working through discovery issues as to what is in the City file as to your engagement and report. We have agreed as to the underlying sex case files to cabin our request to the Sean Williams complainants.

We view your file differently than what may be in the City Attorney's file. Can you pls let us know more about your issue with the subpoena request for your file. For example, is it based on privilege or work product, or are there particular logistical concerns as to producing aspects of your file and communications? Since the City (through Sunny) holds any privilege, counsel in the Dahl case would like to understand better your issue to attempt to resolve well ahead of your depo and the Christmas holiday. That is because we have already engaged in some motion practice and discussions about these issues.

Thanks so much,

Hugh and Alexis

On Mon, Dec 11, 2023 at 7:41 PM Eric Daigle <[eric.daigle@daiglelawgroup.com](mailto:eric.daigle@daiglelawgroup.com)> wrote:

Attorney Eastwood,

While I have no issue accepting the subpoena, I do have an issue with the production request. I am advised that Attorney Eric Herrin is working with you regarding the production of certain file materials. I am advised that Johnson City Counsel will be producing the file materials related to Sean Williams only.

Thank you.

Eric

Eric

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**Subject:** Deposition subpoena

---

[EXTERNAL SENDER]

---

Dear Mr. Daigle:

Attached pls find a deposition testimony subpoena for what we are told is an agreed-upon date and time of Thursday, December 28, 2023 at 9:00 a.m. Eastern.

Please let us know if you will accept service, or if we need to have you served at your offices in Connecticut.

Our Court Reporter of record in this case, Rebecca Overbey, will circulate a Zoom link for the deposition.

Thank you,

Hugh Eastwood and Alexis Tahinci

Counsel for plaintiff Kateri L. Dahl

--  
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**Emily Taylor**

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**From:** Lisa May <lisa@hbm-lawfirm.com>  
**Sent:** Saturday, December 16, 2023 2:01 PM  
**To:** Hugh Eastwood; alexis@tahincilaw.com  
**Subject:** Daigle Deposition

Hugh and Alexis:

As a follow up on our agreement related to documents being made available for the Daigle deposition, you will find as attachments the following:

- Daigle case notes as to P [REDACTED], B [REDACTED] and H [REDACTED]. [Bates Stamp Nos. 001-002];
- Investigator's records provided to Daigle as to P [REDACTED], B [REDACTED] and H [REDACTED]. [Bates Stamp Nos. 003-028];
- City Attorney records related to engagement correspondence with Daigle and correspondence related to receipt of Daigle Audit. [Bates Stamp Nos. 029-049];
- Daigle Audit with City Attorney marks reflecting typos. [Bates Stamp Nos. 050-095];
- Final Daigle Audit sent to City Attorney. [Bates Stamp Nos. 096-141].

These documents, with the exception of the final Daigle Audit, have been marked "Confidential-Attorney Eyes Only" in that they contain the work product of Attorney Daigle pursuant to the contractual agreement with City Attorney Sandos. The documents are the communications between City Attorney Sandos and Attorney Daigle pursuant to the terms of the contract between them. These documents are provided to facilitate the deposition of Mr. Daigle on December 28<sup>th</sup> pursuant to your subpoena and do not serve as a waiver of the work-product privilege of an attorney hired by Attorney Sandos to conduct an investigation.

I have sent a copy of these same documents to Mr. Daigle, so he is aware of our position as to his work-product and the non-waiver beyond the records provided to you as a compromise to facilitate his deposition. He is aware your focus is directed to the Williams files and that we are in agreement that since his Audit was publicly released it is no longer privileged. The documents have been provided via Dropbox and the link is: [https://www.dropbox.com/\[REDACTED\]](https://www.dropbox.com/[REDACTED])

Rebecca Overbey has confirmed her availability and arrangements for the deposition.

Best regards,

Erick H.

*Lisa*



Lisa May  
Legal Assistant to Erick Herrin  
**HERRIN, McPEAK & ASSOCIATES**  
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**HERRIN, McPEAK  
& ASSOCIATES**

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*Attorneys at Law*

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